

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

**EARNEST LEE ARRINGTON,**

**Plaintiff,**

**VS.**

**GOVERNOR BOB RILEY, *et al.*,**

## Defendants.

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

**CV 05-HS-2262-S**

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on December 12, 2005, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

**DATED** this 5th day of January, 2006.

W Hopkins

VIRGINIA EMERSON HOPKINS

United States District Judge